

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against - Cr. No. 05-192 (JBW)

LOUIS EPPOLITO and
STEPHEN CARACAPPA,

Defendants.

- - - - -X

COUNT ONE: RICO CONSPIRACY OFFENSE

The defendants have been charged with RICO conspiracy.
I have already instructed you on the law as it pertains to RICO
conspiracy. Do you find that the defendants agreed to
participate in the conduct of the affairs of an enterprise?

Defendant Eppolito	Yes _____	No _____
Defendant Caracappa	Yes _____	No _____

You are to indicate whether you find "proved" or "not proved" the defendant's agreement to participate in the charged racketeering acts.

Racketeering Act One: (Israel Greenwald)

A. Kidnaping Conspiracy

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

B. Kidnaping (Aiding and Abetting Kidnaping)

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

C. Murder Conspiracy

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

D. Murder (Aiding and Abetting)

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

E. Murder for Hire

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

Racketeering Act Two: (James Hydell)

A. Kidnaping Conspiracy

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

B. Kidnaping (Aiding and Abetting)

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

C. Murder Conspiracy

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

D. Murder (Aiding and Abetting)

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

Racketeering Act Three: (Nicholas Guido)

A. Criminal Facilitation (Aiding and Abetting)

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

B. Depraved Indifference Murder (Aiding and Abetting)

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

Racketeering Act Four: (Bribery from 1987-1993)

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

Racketeering Act Five: (An Individual)

A. Murder Conspiracy

Defendant Eppolito Proved _____ Not Proved _____

B. Murder (Aiding and abetting)

Defendant Eppolito Proved _____ Not Proved _____

Racketeering Act Six: (John Otto Heidel)

A. Tampering with a Witness, Victim or Informant
(Aiding and Abetting)

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

B. Retaliating Against a Witness, Victim or Informant
(Aiding and Abetting)

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

C. Criminal Facilitation (Aiding and Abetting)

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

D. Depraved Indifference Murder (Aiding and Abetting)

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

**Racketeering Act Seven: (Obstruction of Justice regarding
information about John "Otto" Heidel)**

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

Racketeering act Eight: (Obstruction of Justice regarding information about Peter Savino)

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

Racketeering Act Nine: (Dominic Costa)

A. Retaliating Against a Witness, Victim or Informant
(Aiding and Abetting)

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

B. Tampering with a Witness, Victim or Informant
(Aiding and Abetting)

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

Racketeering Act Ten: (Anthony Dilapi)

A. Criminal Faciliation (Aiding and Abetting)

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

B. Depraved Indifference Murder (Aiding and Abetting)

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

Racketeering Act Eleven (Obstruction of Justice regarding information about Casso and Amuso's impending arrests)

A. Obstruction of Justice - Vic Amuso
(Aiding and Abetting)

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

B. Obstruction of Justice - Anthony Casso
(Aiding and Abetting)

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

Racketeering Act Twelve (Bruno Facciola)

A. Criminal Facilitation (Aiding and Abetting)

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

B. Depraved Indifference Murder (Aiding and Abetting)

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

Racketeering Act Thirteen: (Edward Lino)

A. Murder Conspiracy

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

B. Murder (Aiding and Abetting)

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

C. Murder for Hire

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

Racketeering Act Fourteen: (Herman Tabak)

A. Murder Conspiracy

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

B. Tampering with a Witness, Victim or Informant

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

Racketeering Act Fifteen: (Conspiracy to Engage in Unlawful Monetary Transactions)

Defendant Eppolito Proved _____ Not Proved _____

Racketeering Act Sixteen: (Money Laundering)

Defendant Eppolito Proved _____ Not Proved _____

Racketeering Act Seventeen: (Narcotics Conspiracy/ Distribution)

A. Narcotics Conspiracy

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

B. Narcotics Distribution (Aiding and Abetting)

Defendant Eppolito Proved _____ Not Proved _____

Defendant Caracappa Proved _____ Not Proved _____

A. Do you find that the conspiracy ended upon the Stephen Caracappa's retirement from the New York City Police Department?

Yes _____ No _____

B. Do you find that the conspiracy ended prior to March 8, 2000?

Yes _____ No _____

If you have answered "Yes" to either (A) or (B) above, you must find the defendants NOT GUILTY of COUNT ONE. Otherwise, having considered all the evidence presented at trial, please indicate whether you find the each defendant "guilty" or "not guilty" of this charge:

LOUIS EPPOLITO: Guilty _____ Not Guilty _____

STEVEN CARACAPPA: Guilty _____ Not Guilty _____

COUNT TWO: (Money Laundering)

Having considered the count charged, please indicate whether you find the defendant Eppolito "guilty" or "not guilty" of this charge:

Guilty _____ Not Guilty _____

COUNT THREE: (Narcotics Conspiracy)

Having considered the count charged, please indicate whether you find the defendants "guilty" or "not guilty" of this charge:

Defendant Eppolito: Guilty _____ Not Guilty _____

Defendant Caracappa: Guilty _____ Not Guilty _____

If you found either defendant guilty of Count Three, please answer the following questions:

(A) Did the conspiracy charged in Count Three involve methamphetamine?

yes _____ no _____

(B) If "yes," did the conspiracy charged in Count Three involve more than five grams of methamphetamine?

yes _____ no _____

COUNT FOUR: (Narcotics Distribution) (Aiding and Abetting)

Having considered the count charged, please indicate whether you find the defendants "guilty" or "not guilty" of this charge:

Defendant Eppolito: Guilty _____ Not Guilty _____

Defendant Caracappa: Guilty _____ Not Guilty _____

If you found either defendant guilty of Count Four, please answer the following questions:

(A) Did offense charged in Count Four involve methamphetamine?

yes _____ no _____

(B) If "yes," did the offense charged in Count Four involve more than five grams of methamphetamine?

yes _____ no _____

Jury Foreperson